HCS HJR 106 -- HEALTH CARE

SPONSOR: Smith

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing
Committee on Budget by a vote of 25 to 10. Voted "Do Pass" by the
Standing Committee on Rules- Legislative Oversight by a vote of 4
to 3.

The following is a summary of the House Committee Substitute for
HJR 106.

Upon voter approval, this Constitutional amendment prohibits health
benefit plans from imposing preexisting condition exclusions.
Additionally, health benefit plans, including dental or vision
plans, offering coverage to dependent children shall continue to
offer coverage to the dependent child until the child reaches the
age of 26 (Section 2).

Under this amendment, any medical assistance provided under
Medicaid shall be subject to appropriations made by the General
Assembly for that express purpose and no provisions in the
Constitution shall convey any rights, expectations, or entitlements
to such benefits in the absence of such appropriations (Section 3).

Finally, this amendment requires able-bodied adult Medicaid
participants, ages 19 to 64, to participate in work and community
engagement requirements. Participants shall complete at least 80
hours a month of any combination of specified work, education, job
search, child care, and volunteer services. The Department of
Social Services shall provide reasonable accommodations for
individuals with disabilities who are not otherwise exempt from the
work and community engagement requirements under this amendment to
ensure that the participants are able to comply with the
requirements, including exemptions, modifications of hours, and the
provision of necessary support services. Medicaid participants who
shall not be required to comply with the work and community
engagement requirements include:

(1) Those under 19 and over 64;

(2) Those who are medically frail, as defined in the amendment,
including those with certain disabilities;

(3) Those who are pregnant or caring for a child under one year of
age;

(4) Those who were in foster care on the date such person attained
the age of 18 years, or at any time during the 30 day period

preceding his or her 18th birthday;

(5) Those who are primary caregivers of a dependent child under the age of six or a dependent adult; and

(6) Those who are also participants of Temporary Assistance for Needy Families or the Supplemental Nutrition Assistance Program (SNAP) and are exempt from work requirements under those programs. The department may permit further exemptions in areas of high unemployment, limited economies or educational opportunities, or lack of public transportation, or for good cause, as defined in this amendment (Section 4).

This provision is similar to SJR 60 and SJR 32 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the bill will help people to get work and work is the best pathway to get out of poverty, by gaining skills and confidence to move up the economic ladder. This bill will reduce poverty, help people lead more fulfilling lives, and save money for the state. The bill will also protect people's health care by prohibiting insurance plans from imposing preexisting condition exclusions and allow dependent children to continue on their parents insurance until the age of 26.

Testifying for the bill was Representative Smith.

OPPONENTS: Opponents to the bill say that other states have tried this and it doesn't work. Arkansas spent over $30 million towards a similar program and got nothing out of it. This committee has not received this yet but the CEO's of all 3 children's hospitals in this state are sending a letter to the chairman saying that they do not support this legislation as drafted. The current bill talks of a natural disaster; is this pandemic a natural disaster. This legislation will take over $180 million out of the state general revenue, the state needs to work with CMS to find an alternative method.

Testifying against the bill were SSM and AARP.